

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

THOMAS WILNER, *et al.*,

Plaintiffs,

V.

NATIONAL SECURITY AGENCY, *et al.*,

Defendants.

Hon. Judge Cote

1:07-cv-3883-DLC

DEFENDANTS' NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGMENT

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, the defendants hereby respectfully move this Court for partial summary judgment as a matter of law. The reasons for this motion are set forth in defendants' memorandum in support of the motion for summary judgment and other materials in support filed herewith.¹

Dated: May 5, 2008

Respectfully Submitted,

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Acting Assistant Attorney General

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/s/ Alexander K. Haas

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¹ Because Defendants' memorandum exceeds the page limit, a request for leave to file an oversized brief accompanies this filing by way of letter to the Court, sent by overnight delivery.

CERTIFICATE OF SERVICE

I hereby certify that on May 5, 2008, a copy of foregoing motion for summary judgment, as well as the accompanying memorandum and declarations in support of that motion were filed electronically and thereby served to the parties by e-mail through the operation of the Court's electronic filing system. Parties may access this filing through the Court's CM/ECF System.

I also certify that a copy of these materials was served by Overnight Delivery on:

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